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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

CRISTHIAN DIAZ, on behalf of himself and  
all others similarly situated,

Plaintiff,

-against-

LOBEL'S OF NEW YORK, LLC,

Defendant.

Case No.: 1:16-cv-06349-NGG-SMG

**DECLARATION OF  
REBECCA ANDRYSIAK**

I, Rebecca Andrysiak, do hereby declare pursuant to 28 U.S.C. §1746 as follows:

1. I am the Director of Marketing Communications and Ecommerce for Lobel's of New York, LLC ("Lobel's"). I have worked for Lobel's since 2004, and have been the Director of Marketing Communications and Ecommerce since 2014. I make this Declaration based upon my personal, firsthand knowledge of the facts stated herein. I am not an external expert that was retained by Lobel's to provide expert testimony.

2. Lobel's owns and operates the website [www.lobels.com](http://www.lobels.com). Lobel's uses the website to market and sell mostly fresh meats (beef, lamb, poultry, pork, etc.) as well as other food products, merchandise, gift packages, etc. Lobel's sells more than 400 different products through its website. It also posts on the website recipes, information about its business, frequently asked questions, and other general information.

3. The website consists of nearly 1,000 webpages (separate pages for each product, service, recipe, etc.). The nearly 1,000 webpages consist of separate webpages where the products for sale are pictured, specified and described; numerous separate webpages that contain recipes; a customer service section; a "gift shop" section; an "about" section; an account section; and a check out section where purchases are made. The website also includes Lobel's contact information, including a toll-free telephone number where customers can call and place orders during the hours 8:00 am to 8:00 pm Mondays through Fridays, and 8:00 am to 5:00 pm on Saturdays (these hours vary seasonally and during holidays).

4. Lobel's recently completed an update of its website to make it conform with Internet guidelines regarding accessibility by visually impaired persons. Lobel's began the process of upgrading the website in the Spring 2017, and I have since then been overseeing the upgrade. We developed a comprehensive plan to improve the accessibility of the website, and the standard that Lobel's used for the updating of its website is the Web Content Accessibility Guidelines 2.0, Level AA conformance (Level AA conformance includes and incorporates Level A conformance). This plan included purchasing a subscription to a website auditing service, and then making changes to the code contained in the website based upon the service's findings. The updates involved modifying various parts of the code of the website to make it conform to the Web Content Accessibility Guidelines 2.0, Level AA guidelines.

5. During the update of the website, we spent considerable time re-coding the website, by, for example, including labels in specific code so that images and functions on the website are described auditorily; stripping out code that interfere with screen readers; adding page heading tags that enable a person using a screen reader to navigate consistently from page-to-page; adding alternative text on images such that screen readers can announce a description of the

image that is displayed; modifying stylesheets to allow for new contrast ratios which make it easier to view the website; and recoding forms and buttons to be labeled in such a way that they are described auditorily. The work was performed by employees of Lobel's as well as our contracted website developers. We also used a diagnostic tool obtained through a vendor we have retained (Siteimprove, Inc.) which scanned the website for accessibility issues.

6. As of the date of this Declaration, I state to the best of my knowledge that based upon my oversight of the upgrade of the website, and our use of the diagnostic tool provided by Siteimprove, that the website is in conformance with the Web Content Accessibility Guidelines 2.0, Level AA standard. There are a few minor exceptions revealed on the Siteimprove scan we performed today which will be remedied within five (5) business days.

7. Lobel's has also added to its website an ADA Policy, which states:

"Lobel's of New York, LLC is committed to ensuring that its website is accessible to people with disabilities. We seek to ensure that all the pages on our website meet W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA Conformance.

All areas of the Lobel's of New York website will be reviewed monthly for compliance. Accessibility checks will be incorporated into the publishing workflow for all new content. Website user feedback will be compiled and considered during the review process.

Any accessibility issues should be reported to [AccessibilityTeam@lobels.com](mailto:AccessibilityTeam@lobels.com) or by filling out our [Feedback Form](#). Any submitted feedback will be responded to within 7 business days."

8. Visually impaired persons that have issues accessing the website can thus now email us or fill out the feedback form, which will help Lobel's ensure that the website remains accessible.

9. Lobel's has also entered into a subscription agreement with Siteimprove, which, via its Web-based diagnostic tool, runs scans of the website to detect issues related to accessibility. Lobel's employees will run scans using the Siteimprove tool at least once per month to detect

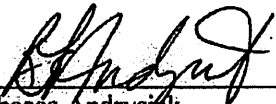
any issues that might make the website not in conformance with the Web Content Accessibility Guidelines 2.0, Level AA standard, particularly when new content is added to the website. In addition, any time we open the Siteimprove software, a scan is automatically run, so we have the ability to scan the website more frequently than once per month. If issues are detected from the monthly (or other periodic) scans, Lobel's will promptly rectify those issues. Lobel's will run its monthly (and other periodic) scans using the Web Content Accessibility Guidelines 2.0, Level AA conformance standard. In addition, when Lobel's adds new content to the website, it will check that new content to ensure that it is also in conformance.

10. Lobel's intends to keep its website in conformance with the Web Content Accessibility Guidelines 2.0, Level AA conformance standard, hereafter. It will not hereafter delete, remove or eliminate the coding work it has recently done to bring the website into conformance with the Web Content Accessibility Guidelines 2.0, Level AA standard. It is committed to keep the website permanently in conformance with Web Content Accessibility Guidelines 2.0, Level AA standard, and will at all times hereafter employ Siteimprove or another vendor to ensure that its website conforms with the Web Content Accessibility Guidelines 2.0, Level AA standard.

11. Finally, if the United States Department of Justice promulgates regulations regarding website accessibility for visually impaired persons, Lobel's will implement those regulations within the time frame established by the regulation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 22, 2017 at Rochester, New York

  
Rebecca Andrysiak